

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

COOPER MOORE, on behalf of himself and all others similarly situated,

No. 2:21-cv-01571-BJR

Plaintiff,

STIPULATED MOTION AND
ORDER TO MODIFY INITIAL CASE
DEADLINES

ROBINHOOD FINANCIAL LLC,

Defendant.

I. STIPULATED MOTION

Pursuant to LCR 10(g) and the Court's Standing Order for All Civil Cases (Dkt. 44 ("Standing Order")), the parties respectfully submit this stipulated motion to modify the initial case deadlines set forth in the Court's Order Setting Initial Scheduling Dates (Dkt. 47 ("Initial Scheduling Order")). The parties certify that they have met and conferred prior to filing this stipulated motion. In support of this stipulated motion, the parties state as follows:

1. On August 9, 2021, Plaintiff Cooper Moore filed his Complaint in the United States District Court for the Northern District of California. Dkt. 1.

2. On September 16, 2021, Defendant Robinhood Financial LLC (“Robinhood”) timely filed a Motion to Dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) (Dkt. 21) and a Motion for Transfer of Venue (Dkt. 22).

3. On October 21, 2021, the Honorable Judge James Donato granted Robinhood's

**STIPULATED MOTION AND ORDER TO MODIFY INITIAL
SCHEDULING DATES - 1
(2:21-cv-01571-BJR)
4854-5233-0504v.9 0114672-000005**

Davis Wright Tremaine LLP
LAW OFFICES
920 Fifth Avenue, Suite 3300
Seattle, WA 98104-1610
(206) 622-3150 main • (206) 757-7700 fax

1 Motion for Transfer of Venue. Judge Donato “decline[d] to reach the motion to dismiss, and
 2 leaves it to the transferee court.” Dkt. 33.

3 4. On December 10, 2021, this Court entered the Initial Scheduling Order (Dkt. 47)
 4 and set the following initial scheduling dates:

EVENT	DATE
Deadline for FRCP 26(f) Conference	1/7/2022
Initial Disclosures Pursuant to FRCP 26(a)(1)	1/14/2022
Combined Joint Status Report and Discovery Plan as Required by FRCP 26(f) and Local Civil Rule 26(f)	1/21/2022

5 5. Plaintiff intends to seek leave to file an amended complaint.

6 6. On January 3, 2022, pursuant to the Court’s Standing Order and Initial Scheduling
 12 Order, the parties conferred regarding Plaintiff’s intention to seek leave to file an amended
 13 complaint and on Robinhood’s request to modify the initial scheduling dates.

7 7. After conferring, pursuant to the Initial Scheduling Order’s direction that requests
 15 to extend the initial deadlines be made by telephone, the parties jointly called Chambers and
 16 spoke with the Law Clerk assigned to this case, who recommended the parties make their request
 17 in writing.

8 8. The parties further conferred. Robinhood’s position is that modifying the initial
 19 scheduling dates is in the interests of efficiency and judicial economy because an order granting
 20 in full or in part Robinhood’s Motion to Dismiss may eliminate or substantially narrow the scope
 21 of relevant discovery. Robinhood also maintains that, depending on its contents, Plaintiff’s filing
 22 of an amended complaint may alter the scope of relevant discovery.

9 9. Plaintiff agreed to extend the deadlines three months to allow Plaintiff to seek
 24 leave to amend his Complaint.

10 10. Accordingly, the parties stipulate and request that the Court modify the initial
 26 scheduling dates as follows:

27 STIPULATED MOTION AND ORDER TO MODIFY INITIAL
 SCHEDULING DATES - 2
 (2:21-cv-01571-BJR)
 4854-5233-0504v.9 0114672-000005

Davis Wright Tremaine LLP
 LAW OFFICES
 920 Fifth Avenue, Suite 3300
 Seattle, WA 98104-1610
 (206) 622-3150 main · (206) 757-7700 fax

1 EVENT	2 CURRENT 3 DATE	4 PROPOSED DATE
Deadline for Plaintiff to Provide Robinhood a Draft Amended Complaint	N/A	1/17/2022
Deadline for Robinhood to Inform Plaintiff Whether It Stipulates to Amendment of the Complaint	N/A	1/25/2022
Deadline for the Parties to File a Stipulated Motion to Grant Plaintiff Leave to File an Amended Complaint <i>or</i> for Plaintiff to File a Motion for Leave to File an Amended Complaint	N/A	2/1/2022
Deadline for Robinhood to File a Motion to Dismiss Plaintiff's Amended Complaint ¹	N/A	14 Days After the Court Rules on a Motion to Grant Plaintiff Leave to File an Amended Complaint. <i>See</i> Fed. R. Civ. P. 15(a)(3).
Deadline for Plaintiff's Opposition to Robinhood's Motion to Dismiss Plaintiff's Amended Complaint	N/A	21 Days After Robinhood's Motion to Dismiss is Filed. <i>See</i> Standing Order at 2.
Deadline for Robinhood's Reply in Support of Its Motion to Dismiss Plaintiff's Amended Complaint	N/A	14 Days After Plaintiff's Opposition to Robinhood's Motion to Dismiss is Filed. <i>See</i> Standing Order at 2.
Deadline for FRCP 26(f) Conference	1/7/2022	4/6/2022
Initial Disclosures Pursuant to FRCP 26(a)(1)	1/14/2022	4/13/2022
Combined Joint Status Report and Discovery Plan as Required by FRCP 26(f) and Local Civil Rule 26(f)	1/21/2022	4/20/2022

23
//24
//

25

26
27
¹ If Plaintiff for any reason does not file an amended complaint, Robinhood intends to rest on its present Motion to Dismiss Plaintiff's Complaint (Dkt. No. 21), unless the Court orders otherwise.

STIPULATED MOTION AND ORDER TO MODIFY INITIAL

SCHEDULING DATES - 3

(2:21-cv-01571-BJR)

4854-5233-0504v.9 0114672-000005

Davis Wright Tremaine LLP

LAW OFFICES

920 Fifth Avenue, Suite 3300

Seattle, WA 98104-1610

(206) 622-3150 main · (206) 757-7700 fax

1 DATED this 5th day of January, 2022.
2
3

TERRELL MARSHALL LAW GROUP PLLC

DAVIS WRIGHT TREMAINE LLP

By: s/Jennifer Rust Murray

Beth E. Terrell, WSBA #26759
Email: bterrell@terrellmarshall.com
Jennifer Rust Murray, WSBA #36983
Email: jmurray@terrellmarshall.com
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
Telephone: (206) 816-6603
Facsimile: (206) 319-5450

BERGER MONTAGUE PC – MN
E. Michelle Drake (*pro hac vice*)
Email: emdrake@bm.net
1229 Tyler Street NE Suite 205
Minneapolis, Minnesota 55413
Telephone: (612) 594-5933
Facsimile: (612) 584-4470

BERGER MONTAGUE PC – CA
Sophia Rios (*pro hac vice*)
Email: srios@bm.net
401 B Street Suite 2000
San Diego, California 92130
Telephone: (619) 489-0300

Attorneys for Plaintiff

By: s/Kenneth E. Payson

Kenneth E. Payson, WSBA #26369
Email: kenpayson@dwt.com
Lauren B. Rainwater, WSBA #43625
Email: laurenrainwater@dwt.com
Eric A. Franz, WSBA #52755
Email: ericfranz@dwt.com
920 Fifth Avenue, Suite 3300
Seattle, Washington 98104-1610
Telephone: (206) 622-3150
Facsimile: (206) 757-7700

Attorneys for Defendant

STIPULATED MOTION AND ORDER TO MODIFY INITIAL
SCHEDULING DATES - 4
(2:21-cv-01571-BJR)
4854-5233-0504v.9 0114672-000005

Davis Wright Tremaine LLP
LAW OFFICES
920 Fifth Avenue, Suite 3300
Seattle, WA 98104-1610
(206) 622-3150 main · (206) 757-7700 fax

II. ORDER

The Court has considered the parties' stipulated motion, and for good cause shown,
GRANTS the stipulated motion and ORDERS as follows:

1. The initial scheduling dates set forth in the Court's Initial Scheduling Order (Dkt. 47) are VACATED; and
2. The Court adopts the deadlines set forth in the parties' stipulated motion.

IT IS SO ORDERED.

DATED this 7th day of January, 2022.

Barbara J. Rothstein
BARBARA J. ROTHSTEIN
UNITED STATES DISTRICT JUDGE

**STIPULATED MOTION AND ORDER TO MODIFY INITIAL
SCHEDULING DATES - 5**
(2:21-cv-01571-BJR)
4854-5233-0504v.9 0114672-000005

Davis Wright Tremaine LLP
LAW OFFICES
920 Fifth Avenue, Suite 3300
Seattle, WA 98104-1610
(206) 622-3150 main • (206) 757-7700 fax